

REMARKS

I. General

Claims 1-3, 5-8, 11-17, 19-27, and 30-32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over by Okazawa et al. (US patent 6,378,021, hereinafter Okazawa) in view of Zalewski et al. (US patent 6,647,508, hereinafter Zalewski).

Claim 4 stands objected to as being dependent upon a rejected base claim.

II. Claim Rejections – 35 U.S.C. § 103

A. Prior Art Disqualification Under 35 U.S.C. 103(c)

Claims 1-3, 5-8, 11-17, 19-27, and 30-32 stand rejected under 35 U.S.C. § 103(a) over Okazawa in view of Zalewski. Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of 35 U.S.C. § 102, shall not preclude patentability where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person. 35 U.S.C. § 103(c)(1). Applicant notes that Zalewski's earliest publication date is February 7, 2002, which is after the instant Application's priority date of April 29, 2000. Thus, Zalewski is prior art under 35 U.S.C. § 103 via 35 U.S.C. § 102(e). Applicant hereby asserts that the instant Application and Zalewski were, at the time the invention of the instant Application was made, owned by Hewlett Packard Company. Therefore, Applicant respectfully asserts that Zalewski cannot preclude patentability, and requests that the rejection of claims 1-3, 5-8, 11-17, 19-27, and 30-32 be withdrawn.

III. Allowable Subject Matter

The Office Action objects to claim 4 as being dependent upon a rejected base claim (i.e., claim 1). As discussed above, the rejection of claim 1 is based on prior art that is disqualified under 35 U.S.C. 103(c)(1). Thus, claim 4 depends from an improperly rejected base claim. Therefore, Applicant has not rewritten claim 4 in independent form and respectfully requests that the objection be withdrawn.

CONCLUSION

In view of the above, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 08-2025, under Order No. 10001728-3 from which the undersigned is authorized to draw.

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Respectfully submitted,

By 

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